

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

CARL GEE,

Plaintiff,

-against-

9:10-CV-1448 (LEK/TWD)

BRIAN FISCHER and KENNETH S.  
PERLMAN,

Defendants.

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**ORDER**

This matter comes before the Court following a Report-Recommendation filed on January 23, 2012, by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York.<sup>1</sup> Report-Rec. (Dkt. No. 16).

Within fourteen days after a party has been served with a copy of a magistrate judge's report-recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1(c). No objections have been raised in the allotted time with respect to Magistrate Judge Lowe's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby:

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<sup>1</sup> On February 10, 2012, this case was reassigned to the Honorable Therese Wiley Dancks, United States Magistrate Judge, by Order of Chief Judge Gary L. Sharpe. Dkt. No. 17.

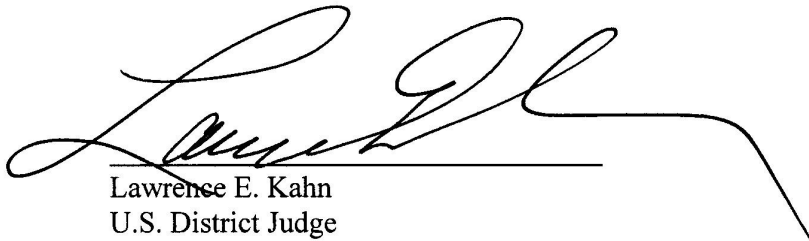
**ORDERED**, that the Report-Recommendation (Dkt. No. 16) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that Defendant's Motion to dismiss for failure to state a claim (Dkt. No. 12) is **DENIED**; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on the parties.

**IT IS SO ORDERED.**

DATED: February 21, 2012  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge